

REMARKS

With the entry of this Amendment, claims 1-6 and 8-10 will be pending in this patent application.

In this paper, claim 7 has been canceled. Claim 1 has been amended to incorporate the limitations that were recited in claim 7. Also, each of claims 1-6 and 8-9 has been amended to more clearly recite the claimed subject matter.

INFORMATION DISCLOSURE STATEMENT

The Examiner states that EP 0980670, JP 2002-143067 and DE 4310189 listed on the IDS filed October 5, 2005 have not been received. The EP 0980670, JP 2002-143067 and DE 4310189 references were originally cited in the International Search Report for PCT/EP2004/013764, of which the current application is the 35 USC § 371 national phase application. Accordingly, the EP 0980670, JP 2002-143067 and DE 4310189 references should have been forwarded to the PCT branch of the USPTO from the International Bureau of WIPO and/or obtained by the PCT branch of the USPTO from the International Bureau of WIPO upon commencement of prosecution of the instant 35 USC § 371 application.

In order to expedite further prosecution of the instant application to allowance, enclosed herewith are clean copies of EP 0980670, JP 2002-143067 and DE 4310189 with English translations of the Abstracts and a clean copy of the original copy of the earlier filed form SB08.

The Examiner is respectfully requested to initial the enclosed SB08 form to clearly indicate that the EP 0980670, JP 2002-143067 and DE 4310189 references have been fully considered.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 1-10 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant traverses this rejection insofar as it might be deemed applicable to claims 1-6 and 8-10 as now presented.

Applicant has carefully reviewed the claims in view of this rejection and has made amendments to the claims to obviate specific instances of indefiniteness identified by the

Examiner and to otherwise provide a clear recitation of the claimed subject matter. Thus, for example, in step a) of claim 1, "a third operating mode 'Kosher operation' (73) is always performed;" step b) now clearly recites "interior surfaces of the automatic dishwasher" and a temperature of a cleaning fluid vis-à-vis the water temperature of rinse water or fresh water.

Applicant submits that, as amended herein, all of the pending claims comply fully with the requirements of 35 USC § 112, second paragraph, and requests that this rejection be withdrawn.

PRIOR ART REJECTION I

Claims 1-4 and 8-10 were rejected under 35 USC § 103(a) as being unpatentable over US 4561904 (Eberhardt, Jr.). Applicant traverses this rejection insofar as it might be deemed applicable to claims 1-4 and 8-10 as now presented.

As noted above, the limitations of claim 7 have been incorporated into claim 1. Claim 7 was not subjected to a rejection based on solely on the disclosure in Eberhardt, Jr. (In the discussion below, Applicant provides reasons why the method recited in amended independent claim 1 is not made obvious by the disclosure in Eberhardt, Jr. in combination with the disclosures in Knight and Fox et al.) Applicant therefore submits that this rejection has been rendered moot by amendments to the claims made herein and requests that this rejection be withdrawn.

PRIOR ART REJECTION II

Claims 5-7 were rejected under 35 USC § 103(a) as being unpatentable over Eberhardt, Jr. in view of any one of US 3249150 (Knight) and US 3254698 (Fox et al.). Applicant traverses this rejection insofar as it might be deemed applicable to claims 5 and 6 as now presented.

Amended independent claim 1 recites a method which employs first, second third and fourth operating modes. Each of these operating modes is separately identified and should be regarded as identifying a mode of operation of the dishwasher that is different from the others. More particularly, in step a) of the claimed method, a third, "Kosher operation," is always performed on switching between first and second operating modes. Step b) specifies that the "Kosher operation" effects cleaning of interior surfaces of the dishwasher using a cleaning fluid

whose temperature is higher than the temperature of rinse water or fresh water used for cleaning dishes in the normal operation of the dishwasher. Steps c) and d) specify additional attributes of the "Kosher operation," and step d) specifies attributes of a fourth "Sabbath operation" mode.

The method disclosed and claimed in this application enables a single automatic dishwasher to carry out cleaning of dishes in a manner that complies with precepts of the Jewish faith. In the use of known automatic dishwashers, cleaning of dishes in compliance with the precepts of the Jewish faith has entailed using different dishwashers to clean dishes used for milk products and to clean dishes used for meat products. Also, known dishwashers cannot be used as designed during the Sabbath.

As generally characterized by the Examiner, Eberhardt, Jr. discloses a dishwasher with a belt, curtains and automatic control functions that include an automatic cut-off function controlled using light barriers. The Examiner acknowledges that Eberhardt, Jr. does not specifically teach providing an overload breaker for the motor of the belt. The Examiner contends that this was conventional in the art and that it would have been obvious to provide a cut-off breaker for the belt motor in the Eberhardt, Jr. dishwasher to prevent hazard associated with overloading an electrical device. The Examiner states that Eberhardt, Jr. does not specifically identify the operation modes of the dishwasher as "cleaning of dishes for milk products," "cleaning of dishes for meat or meat products" and "Sabbath operation". According to the Examiner, the different names assigned to the operation modes do not differentiate one operation mode from another. The Examiner adds that the manipulative steps recited for the "Sabbath operation" are disclosed by or obvious over Eberhardt, Jr.

As explained above, amended claim 1 clearly recites attributes of the first, second, third and fourth operation modes that clearly distinguish them from each other. There are no modes of operation of the Eberhardt, Jr. dishwasher that can be fairly equated with the operation modes recited in Applicant's amended claim 1. For example, there is no identifiable operation mode disclosed by Eberhardt, Jr. that must be performed on switching between any other identifiable operation modes and that uses a cleaning fluid at a higher temperature than the temperature of cleaning fluid used for other operation modes.

The Examiner relies on Knight and Fox et al. to show that, in known dishwashers, curtains are periodically changed during the life-time of the dishwasher. The Examiner acknowledges that Eberhardt, Jr. does not specifically teach that the temperature of the water used for cleaning is higher than the temperature of the fresh water. The Examiner points out that the Eberhardt, Jr. dishwasher uses heaters 68 and 88 "to obtain needed temperature" and contends that using water at such a higher temperature would have been obvious.

Amended claim 1 recites a method that includes a *combination* of steps that enable use of an automatic dishwasher in compliance with the Jewish faith. There are simply no teachings in any of the references applied by the Examiner that could be obviously combined to yield a method having the combination of steps with clearly recited attributes required by Applicant's amended claim 1.

The dependent claims obviously partake of the patentability of amended claim 1. The dependent claims also recite further patentable departures from the disclosures in the references applied by the Examiner. For example, there are no disclosures in the applied references that would make obvious the cleaning brushes required by claim 4, and there are no disclosures in the applied references that would make obvious the requirements of claims 5 and 6 for different sets of curtains used in different operating modes.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in Eberhardt, Jr., Knight and Fox et al. can properly serve as a basis for rejecting amended claim 1 or dependent claims 2-6 and 8-10, as now presented, under 35 USC § 103(a).

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.147, particularly, extension of time fees.

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Respectfully submitted,

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Attachments: form SB08
EP 0980670
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